

**In the United States District Court  
For the Southern District of Georgia  
Waycross Division**

FILED  
John E. Triplett, Acting Clerk  
United States District Court  
By CAsbell at 2:18 pm, Jan 26, 2021

KWANE TYREE DOZIER,

Plaintiff,

v.

WARDEN UPTON; and COMMISSIONER,  
GEORGIA DEPARTMENT OF  
CORRECTIONS,

Defendants.

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CIVIL ACTION NO.: 5:20-cv-121

**ORDER**

Plaintiff filed a 42 U.S.C. § 1983 Complaint and alleged Defendants violated his constitutional rights. Dkt. No. 1. After conducting the requisite frivolity review, the Magistrate Judge recommended the Court dismiss Plaintiff's Complaint. Dkt. No. 11. In lieu of Objections, Plaintiff filed his Notice of Voluntary Dismissal. Dkt. No. 12.

The Court construes Plaintiff's Notice as being a motion brought under Federal Rule of Civil Procedure 41(a)(2).<sup>1</sup> Rule

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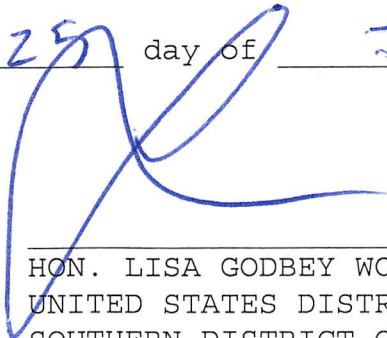
<sup>1</sup> Plaintiff entitled this filing "Motion for Notice of Voluntary Dismissal." Dkt. No. 12. The Clerk of Court docketed this filing as a Notice. "Courts generally 'must look beyond the labels of [filings] by pro se [parties] to interpret them under whatever statute would provide relief.'" Edwards v. Hastings, No. 2:14-CV-41, 2016 WL 686386, at \*1 (S.D. Ga. Feb. 18, 2016) (quoting Lofton v. Williams, No. CV415-146, 2016 WL 126408, at \*2 (S.D. Ga. Jan. 11, 2016) (first alteration in original), and citing Means v. Alabama, 209 F.3d 1241, 1242 (11th Cir. 2000) (concerning pro se inmates))); Fed. R. Civ. P.

41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal under this paragraph . . . is without prejudice."

Upon due consideration, the Court **GRANTS** Plaintiff's construed Motion to Dismiss his § 1983 Complaint voluntarily.

Consequently, the Court **REJECTS** as moot the Magistrate Judge's Report and Recommendation, **DISMISSES** without prejudice Plaintiff's Complaint, and **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 25 day of January, 2021.

  
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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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8(e) ("Pleadings must be construed so as to do justice."); Wilkerson v. Georgia, 618 F. App'x 610, 611-12 (11th Cir. 2015).